

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

.....

RAY WILLIAMS,

Plaintiff,

v.

P. GRIFFIN, Captain of Security; C.O. PADILLA, Correction  
Officer; D.J. GUNDERMAN, Correction Sgt.; LT. EPIFANIO;  
D. INGRAHAM, C.O.,

Defendants.

.....

APPEARANCES:

OF COUNSEL:

RAY WILLIAMS  
Plaintiff, *pro se*  
99-A-6603  
Upstate Correctional Facility  
PO Box 2001  
Malone, New York 12953

FOR THE DEFENDANTS:

HON. ELIOT SPITZER  
Office of the Attorney General  
State of New York  
Department of Law  
The Capitol  
Albany, New York 12224

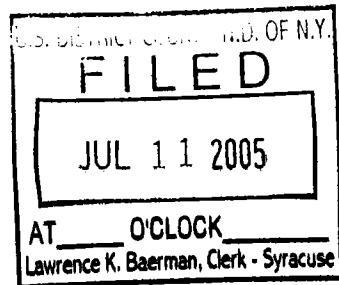
LISA ULLMAN, AAG

NORMAN A. MORDUE, DISTRICT JUDGE

**ORDER**

Presently before this Court for consideration is a request from plaintiff Ray Williams ("plaintiff" or "Williams") to dismiss this action. *See* docket no. 32. By his request, Williams states

"1. because the case in and of it self will be just too hard for me to prove against defendants at this



time...; 2. because it will take up both too much of the courts time and mines; 3. The evidence is just not there...".

The defendants have advised the Court that they consent to the dismissal of the complaint without prejudice. *See* docket no. 35.

After a review of the entire file herein, including the defendants' response to plaintiff's request for voluntary dismissal, the Court hereby orders that the complaint be dismissed without prejudice.

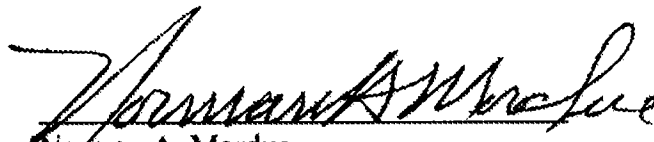
**WHEREFORE**, based upon the above, it is hereby

**ORDERED**, that this action be dismissed pursuant to Williams' request (docket no. 32) and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the parties..

**IT IS SO ORDERED.**

Dated: July 11, 2005

  
Norman A. Mordue  
U.S. District Judge